IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF ALABAMA SOUTHERN DIVISION

CYRUS DESMOND PIERSON)	
Plaintiff,)	
v.)	CASE NO. 1:07-CV-451-WKW (WO)
JEFF SHELTON, of the	ý	()
COFFEE COUNTY SHERIFF'S)	
DEPARTMENT)	
)	
Defendant.)	

ORDER

On August 15, 2007, the Magistrate Judge filed a Recommendation (Doc. # 10) that the defendant's motion for summary judgment (originally filed as a special report) (Doc. # 8) is due to be granted and this action dismissed without prejudice because the plaintiff has failed to exhaust administrative remedies. No objections were filed.

After an independent and de novo review of the record, it is the ORDER, JUDGMENT and DECREE of the Court that:

- 1. The Recommendation (Doc. # 10) of the Magistrate Judge is ADOPTED.
- 2. The defendant's motion for summary judgment (Doc. # 8) is GRANTED to the extent defendants seek dismissal for failure to exhaust an available administrative remedy.
- 3. This case is DISMISSED without prejudice in accordance with the provisions of 42 U.S.C. § 1997e(a) for the plaintiff's failure to exhaust available administrative remedies.

An appropriate judgment will be entered.

DONE this 6th day of September, 2007.

/s/ W. Keith Watkins
UNITED STATES DISTRICT JUDGE